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ACTS  
OF THE  
GENERAL ASSEMBLY,

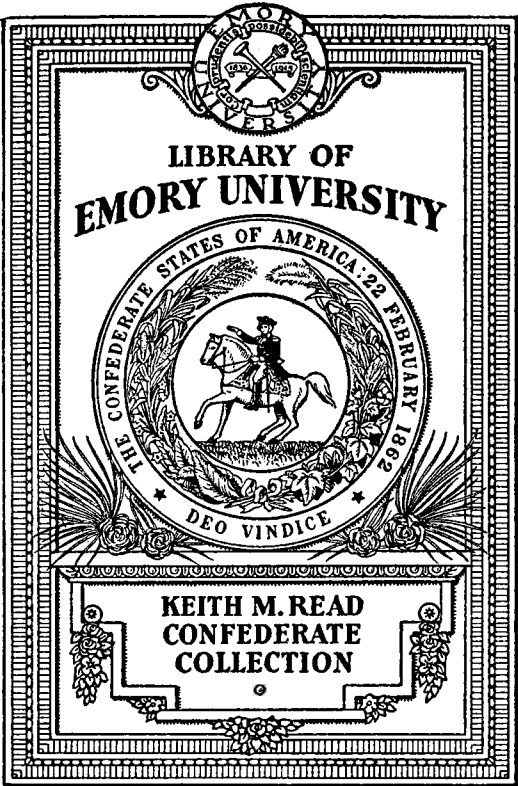
PASSED AT THE  
EXTRA SESSION

HELD  
MAY SIXTH, 1862,

AT THE  
CITY OF WHEELING

WHEELING:  
A. S. TROWBRIDGE, STATE PRINTER.

1862



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PRINTED AT THE DAILY PRESS BOOK AND JOB OFFICE.

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1862.



# ACTS OF THE GENERAL ASSEMBLY.

## CHAPTER 1.]

## AN ACT

giving the consent of the Legislature of Virginia to the formation and erection of a new State within the jurisdiction of this State.

Passed May 13, 1862.

1. Be it enacted by the General Assembly, That the consent of the Legislature of Virginia be, and the same is hereby given to the formation and erection of the State of West Virginia, within the jurisdiction of this State, to include the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Marion, Monongalia, Preston, Taylor, Tyler, Pleasants, Ritchie, Doddridge, Harrison, Wood, Jackson, Wirt, Roane, Calhoun, Gilmer, Barbour, Tucker, Lewis, Braxton, Upshur, Randolph, Mason, Putnam, Kanawha, Clay, Nicholas, Cabell, Wayne, Boone, Logan, Wyoming, Mercer, McDowell, Webster, Pocahontas, Fayette, Raleigh, Greenbrier, Monroe, Pendleton, Hardy, Hampshire and Morgan, according to the boundaries and under the provisions set forth in the Constitution for the said State of West Virginia and the schedule thereto annexed, proposed by the Convention which assembled at Wheeling, on the twenty-sixth day of November, 1861.

Consent of Legislature.

Name of new State.

Counties proposed to be embraced in new State.

2. Be it further enacted, That the consent of the Legislature of Virginia be, and the same is hereby given, that the counties of Berkley, Jefferson and Frederick, shall be included in and form part of the State of West Virginia whenever the voters of said counties shall ratify and assent to the said Constitution, at an election held for the purpose, at such

Additional counties.

ACTS OF THE GENERAL ASSEMBLY.

time and under such regulations as the Commissioners named in the said schedule may prescribe.

3. Be it further enacted, That this Act shall be transmitted by the Executive to the Senators and Representatives of this Commonwealth in Congress, together with a certified original of the said Constitution and Schedule—and the said Senators and Representatives are hereby requested to use their endeavors to obtain the consent of Congress to the admission of the State of West Virginia into the Union.

Executive to transmit this act to Senators and Representatives of this Commonwealth in Congress. Also certified original of Constitution and Schedule.

4. This Act shall be in force from and after its passage.

Commencement.

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CHAPTER 2.]

AN ACT

declaring the boundary lines of farms, in certain counties, lawful fences.

Passed May 13, 1862.

1. Be it enacted by the General Assembly of Virginia, That in the counties of Alexandria, Fairfax, Loudoun and Prince William, the boundary line of each farm or plantation, shall be deemed and is hereby declared a lawful fence.

Boundary lines of fences or plantations in Alexandria, Fairfax, Loudoun and Prince William counties declared lawful fences.

2. This Act shall be in force from its passage and remain in force for two years.

Commencement.  
Expiration.

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CHAPTER 3.]

AN ACT

for the relief of I. N. Irwin, Clerk of the Fourth Regiment of Virginia Militia.

Passed May 13, 1862.

1. Be it enacted by the General Assembly of Virginia,

That I. N. Irwin, Clerk of the Fourth Regiment of Virginia Militia, be allowed the sum of Twenty-Five Dollars, in addition to the sum allowed by law, for making out and delivering tickets for militia fines, and taking Sheriff's receipts for the same, and that the Auditor of Public Accounts pay said sum out of the appropriation to expenses of Militia of the State, made in the Act, appropriating the Public Revenue, passed February 13th, 1862, to the order of I. N. Irwin.

Allowance of Twenty-five Dollars to I. N. Irwin, Clerk of 4th Regiment of Virginia Militia in addition to the sum allowed by law.

Auditor to pay said sum out of appropriation to expenses of militia.

2. This Act shall be in force from its passage.

Commencement.

CHAPTER 4.]

AN ACT

entitled An Act to amend and re-enact the 1st and 3d sections of An Act, entitled An Act, providing for the election of Mayor and Common Council and other officers of the town of Martinsburg, and to define their duties and powers, passed March 6th, 1856.

Passed May 12, 1862.

1. Be it enacted by the General Assembly of Virginia, That the 1st and 3d Sections of An Act, entitled An Act, providing for the election of Mayor and Common Council and other officers of the town of Martinsburg, and to define their duties and powers, passed March 6, 1856, be amended and re-enacted so as to read as follows: Be it enacted by the General Assembly of Virginia, That on the 4th Monday in May, Eighteen Hundred and Sixty-Two, and on the same day, annually thereafter, the voters of the town of Martinsburg, in the county of Berkley, qualified to vote for members of the General Assembly, who shall have resided within said town for one year next preceding the election, and who shall have paid the corporation taxes assessed upon them for that year, shall elect a fit and proper person, being a free-holder and resident of said town, to serve as Mayor thereof, for the period of one year, or until his successor be duly elected and qualified. And if from any cause

The 1st and 3d sections of an act entitled an Act providing for election of Mayor and Common Council and other officers of the town of Martinsburg, and to define their duties and powers passed March 6, 1856, amended and re-enacted.

Election for Mayor or when to take place.

Term of office.



the election for said officers of the said corporation shall not or cannot be held at the time appointed by this Act, that the Mayor and Council shall, and are hereby authorized and empowered to order an election to fill said vacancies, by giving at least ten days notice, to be published in some newspaper published in the town of Martinsburg, or by written or printed notice posted up in at least three public places in said town.

Two Councilmen  
in each ward to  
be elected.

2. Be it further enacted, That the 3d Section of said Act be amended and re-enacted so as to read as follows: On the 4th Monday in May, 1862, and on the same day annually thereafter, the voters in each of the said wards qualified to vote for Mayor, who shall have also resided ten days in each ward, being free-holders, shall elect two Councilmen to represent such ward in the Common Council, and the Commissioners conducting the election shall give a certificate of election to the person elected on the day following the said election. The Commissioners in each of the said wards shall assemble, count the votes for Mayor and give a certificate of election to the person chosen. The Mayor and Council shall appoint one or more Sergeants for said corporation, to serve for the term of one year.

Commencement. 3. This Act shall be in force from and after its passage.

#### CHAPTER 5.]

#### AN ACT

for the relief of John M. Greer, late Sheriff of Jackson county, and John Slack, late Sheriff of Kanawha county.

Passed May 13, 1862.

John M. Greer,  
late Sheriff of  
Jackson county,  
authorized to dis-  
train for taxes  
due and unpaid  
in the county of  
Jackson for 1857,  
1858-'9 and 1860.

1. Be it enacted by the General Assembly of Virginia, That John M. Greer, late Sheriff of Jackson county, be and he is hereby authorized to distrain for taxes due and unpaid in the county of Jackson, for the years 1857, 1858, 1859 and 1860, and that John Slack, late Sheriff of Kana-

wha county and his deputies, be and they are hereby authorized to distrain for taxes due and unpaid in the county of Kanawha, for the years 1857 and 1858, and for which they have duly accounted, and paid over to the State and county Treasury.

John Slack, late Sheriff of Kanawha county, authorized to distrain for taxes due and unpaid in the county of Kanawha for 1857-'58.

Nothing herein contain shall authorize them to distrain for claims returned delinquent.

Not authorized to distrain for delinquent claims.

2. This Act shall be in force from its passage.

Commencement-

## CHAPTER 6.]

## AN ACT

to amend the 8th Section of the Ordinance passed June 21st, 1861, entitled "An Ordinance relating to the receipts and disbursements of the Public Revenue, and providing for the appointment of an Auditor, Treasurer and Secretary of the Commonwealth."

Passed May 13, 1862.

1. Be it enacted by the General Assembly of Virginia, That the 8th Section of the Ordinance, passed June 21st, 1861, entitled "An Ordinance relating to the receipts and disbursements of the Public Revenue, and providing for the appointment of an Auditor, Treasurer and Secretary of the Commonwealth," be and the same is hereby amended so as to read as follows :

The 8th section of the ordinance passed June 21st, 1861, entitled An Ordinance relating to the receipts and disbursements of the Public Revenue and providing for the appointment of an Auditor, Treasurer and Secretary of the Commonwealth, amended

"All monies paid into the Public Treasury, shall be paid into the Merchants' and Mechanics' Bank of Wheeling, at the City of Wheeling, or one of its Branches at Point Pleasant, Clarksburg and Morgantown, or into the North-Western Bank of Virginia, at Wheeling, or one of its Branches at Parkersburg or Wellsburg, or into the Exchange Bank of Virginia at Weston; or if East of the Blue Ridge, into the Exchange Bank of Virginia at Alexandria. All monies of the State collected, in the counties East of the Blue Ridge

All monies paid into the Public Treasury shall be paid into what Banks and Branches.

Certificates of payment to be given and by whom. Mountains, to the credit of *The Treasury of Virginia*; and the person so paying the same, shall take from the proper officer of such Bank or Branch, a certificate of the fact. The Treasurer on the delivery of such certificate, shall retain and file the same, charging the amount therein specified to the proper Bank or Branch, and delivering to the person who made the payment at Bank, duplicate receipts for the amount so paid, specifying in what amount the money was paid. The person making the payment, shall forthwith hand over one of the receipts to the Auditor of Public Accounts, to be retained and filed by him, and charged to the Treasurer's Account, and upon the other receipt, which is to be retained by the person making the payment, the Auditor shall endorse as follows: "*A duplicate hereof has been filed in the Auditor's office, and affix his signature, and the proper date to such endorsement.*"

Treasurer to deliver duplicate receipts. One of said receipts to be handed to Auditor of Public Accounts. Endorsement to be made on the receipt retained.

Commencement: 2. This Act shall be in force from its passage.

## CHAPTER 7.]

## AN ACT

to amend and re-enact the 35th section of chapter 40 of the Code of Virginia.

Passed May 13, 1862.

Section 35 of Chapter 40 of the Code, amended and re-enacted. 1. Be it enacted by the General Assembly of Virginia, that the 35th section of the 40th chapter of the Code of Virginia, be amended and re-enacted so as to read as follows:

"On every license to a Broker employing a capital of \$10,000, or a less sum, \$200. On all sums over \$10,000, two per cent. on the amount of capital employed."

All Acts and parts of Acts conflicting with this repealed. 2. All Acts and parts of Acts heretofore passed, conflicting with this Act, are hereby repealed.

Commencement. 3. This Act shall be in force from its passage.

CHAPTER 8.]

AN ACT

for the relief of Thomas Crux.

Passed May 13, 1862.

WHEREAS, It is represented that on the 19th day of De- Preamble.  
cember, 1859, a warrant was issued by a Justice of the  
Peace for Fairfax county, against Thomas Crux, (of the  
county aforesaid,) who was, by virtue of said warrant, ar-  
rested and taken before G. C. Gunel, Justice of said county,  
by James W. Jackson and Joseph Monroe, who were de-  
puted to make such arrest, and said Justice admitted Thos.  
Crux to bail in the sum of Twenty-Five Hundred Dollars,  
for his appearance at the next Quarterly Court.

AND WHEREAS, It is represented that before the setting  
of the Court, the said Monroe and Jackson conspired to-  
gether, and by threats of personal violence, induced the said  
Crux to forfeit his recognizance, and petitioned the Legis-  
lature at Richmond to grant them whatever might be ob-  
tained by such forfeiture, upon which the Legislature passed  
a bill, giving Jackson and Monroe one-half of what might  
be obtained from Crux. In March, 1860, James Crux, (one  
of the securities for Thomas Crux,) at the instigation of  
Jackson, Monroe and others, paid into Court One Thousand  
Dollars, with the understanding that the whole suit should  
be settled thereby. At the March term of 1861, (notwith-  
standing the above arrangement,) the case was taken up,  
and judgment rendered against Crux and his securities for  
the sum of Twenty-Five Hundred Dollars. All the officers  
of the said Court being Secessionists, and having left home,  
are supposed now to be under the protection of the so-called  
Confederate Government.

*Therefore, be it enacted by the General Assembly of Vir-  
ginia, That the said Thomas Crux and his securities, be and  
are hereby released from all pains, penalties and costs, Release.  
arising from the said prosecution, and may plead this Act  
in bar of the same.*

This Act shall be in force from its passage.

Commencement.

## CHAPTER 9.]

## AN ACT

transferring a portion of the Maryland and Ohio Turnpike to the County Court of Marion.

Passed May 14, 1862.

1. Be it enacted by the General Assembly of Virginia, That so much of the Maryland and Ohio Turnpike as runs between the town of Mannington, in the county of Marion, and to the point at which the said pike intersects the Wheeling and Fairmont Turnpike, near Fairmont, be placed and the same is hereby placed under the supervision and control of the County Court of the said county of Marion. And the Court of said county is thereby empowered to lay off the said pike into precincts and to place the same under supervisors, and the said pike when so precinctd and placed under supervisors, shall be worked and controlled as county roads are worked and controlled by law, provided that nothing herein contained shall be construed so as to transfer any interest which the State may have in the said pike.

A portion of the Maryland and Ohio Turnpike placed under the supervision and control of the County Court of Marion county.

County Court authorized to lay it off into precincts and place the same under supervisors.

To be worked and controlled as county roads.

Proviso.

Commencement.

2. This Act shall be in force from its passage.

## CHAPTER 10.]

## AN ACT

making certain appropriations.

Passed May 14, 1862.

Be it enacted by the General Assembly, That there shall be and is hereby appropriated out of any money in the Treasury not otherwise appropriated :—

Appropriation to pay expenses of General Assembly—Extra Session—four thousand dollars.

To expenses of the General Assembly for the extra session, commencing May 6th, 1862, Four Thousand Dollars.

To pay and expenses of patrols and State volunteers for services rendered prior to Feb. 13th, 1862, Three Thousand Dollars.

Pay and expenses of Patrols and State Volunteers for services prior to Feb. 13, 1862 — three thousand dollars.

To Thomas Hornbrook as agent for the Executive, Three Hundred Dollars.

To agent of Executive — three hundred dollars.

To the Civil Contingent Fund, in addition to appropriations made heretofore, Ten Thousand Dollars.

Additional appropriation to Civil Contingent Fund—ten thousand dollars.

And to the Lunatic and other Asylums of the State, Ten Thousand Dollars.

To Lunatic and other Asylums of the State — ten thousand dollars.

2. This Act shall be in force from its passage.

Commencement.

CHAPTER 11.]

AN ACT

transferring certain proceedings under an attachment or attachments to the Circuit Court of Preston county.

Passed May 14, 1862.

WHEREAS, one Angus W. McDonald, of the county of Hampshire, sued out of the Circuit Superior Court of Hardy and Hampshire, or one of them, sometime about the year Eighteen Hundred and Forty-seven, a writ in the nature of a foreign attachment which was levied on certain lands belonging to the Potomac and Alleghany Coal and Iron Manufacturing Company, lying and being situated in the counties of Hardy and Hampshire, amounting to about sixteen thousand acres.

Preamble.

And whereas, the said proceedings were still pending and undetermined under the said attachment or attachments at the time of the outbreak of the present rebellion, and all the books, papers, records and proceedings of the Courts of the counties of Hardy and Hampshire, have been removed or destroyed, and the said counties are destitute of courts.

Therefore, be it enacted by the General Assembly of Virginia, That all proceedings under the said attachment or attachments, in which Angus W. McDonald is plaintiff, and

Proceedings under certain attachments transferred to Circuit Court of Preston county.

Said Court authorized to take such action and make such order or orders as justice and the rules of equity may require.

the Potomac and Alleghany Coal and Iron Manufacturing Company are defendants, are hereby transferred to the Circuit Court of Preston county, which is hereby authorized and empowered to take such action and make such order or orders, in reference to the said case, as justice and the rules of equity may require.

Commencement. 2. This Act shall be in force from its passage.

## CHAPTER 12.]

## AN ACT

to amend and re-enact the Act entitled An Act, prescribing oaths in certain cases and providing for the registration of the same.

Passed May 14, 1862.

What persons required to take oath.

Oath.

Persons refusing to take and subscribe said oath not to receive license.

1. Be it enacted by the General Assembly, That before any person shall hereafter receive any license to practice any profession or to conduct any business or calling for which license is now required by existing laws, he shall take and subscribe the following oath, before a Commissioner of the Revenue or any person authorized to administer the same: "I solemnly swear that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, anything in the Constitution and laws of the State of Virginia, or in the Ordinance of the Convention, which assembled at Richmond on the 13th February, 1861, to the contrary notwithstanding, and that I will uphold and defend the Government of Virginia, as vindicated and restored by the Convention, which assembled at Wheeling on the 11th day of June, 1861." If the applicant for such license, shall refuse to take and subscribe said oath, the Court or Commissioner of the Revenue, Council or Board of Trustees of a city or town to whom such application has been made, shall refuse to grant the same.

Ministers of the Gospel and all persons authorized to solemnize

2. It shall be the duty of Ministers of the Gospel and all other persons authorized under existing laws to solemnize

the rites of matrimony, to take and subscribe the oath set forth in the preceding section. Such Ministers or other person, if resident within a county where the Courts have been organized, under the Ordinance passed by the Convention, which assembled at Wheeling on the 11th June, 1861, entitled, An Ordinance for the re-organization of the State Government, shall take and subscribe the said oath within sixty days after the passage of this Act, and if resident in other counties, within sixty days after the Courts shall have been organized in each of said counties respectively. No Court shall authorize any Minister of the Gospel or other person, to solemnize the rites of matrimony, until and unless such Minister or other person shall have taken and subscribed the said oath set forth in the preceding section. Any Minister of the Gospel or other person, who shall solemnize the rites of matrimony, without having taken and subscribed the said oath, after being required so to do, by the terms of the section, shall, at the discretion of the Jury, be fined not less than Ten, nor more than One Hundred Dollars. Provided, however, that no marriage shall be deemed invalid or void, which was solemnized in violation of this Act.

the rites of matrimony to take and subscribe the oath.

No Court to authorize any Minister of the Gospel or other person to solemnize the rites of matrimony until and unless they have taken said oath.

Penalty for solemnizing rites of matrimony without having taken said oath.

Proviso.

3. It shall be the duty of the President, Directors and Clerks of Banks; the keepers of toll-bridges and ferries, toll-collectors of roads, and officers and clerks of corporations; companies, associations and institutions; the deputy clerks of county, corporation and Circuit Courts; commissioners of the several courts or personal representatives and notaries public; and the clerks or agents of every person practicing a profession or conducting any business or calling for which a license is now required by existing laws, to take and subscribe the said oath set forth in the first section within sixty days after the passage of this Act, in those counties where the courts have been organized under the said Ordinance before mentioned, and in other counties within sixty days after said courts shall have been organized in said counties respectively. Any person in this section mentioned, who shall continue in the discharge of his office or employment, in violation of this section, shall, at the dis-

Duty of President Directors, Clerks of Banks, Keepers of toll-bridges and ferries, toll-collectors of roads, officers and clerks of corporations, companies, associations and institutions, deputy clerks of county, corporation and circuit courts, commissioners of the several courts personal representatives, notaries public, clerks or agents of every person practicing a profession or conducting any business or calling requiring a license, to take and subscribe the said oath within sixty days after the passage of this Act; within sixty days in counties where courts are organ-



ized, and in other counties within sixty days after courts shall have been so organized.

Penalty for violating this section.

Duty of courts to require all grand and petit jurors, veniremen and special jurors to take said oath.

Duties of Clerks of Courts.

Further duties of Clerks.

Penalty for failing to comply with provisions of this section.

Any person voluntarily taking said oath, and subsequently violating the same, to be deemed guilty of a misdemeanor and be subject to a fine and moreover be subject to all the penalties mentioned in the 3d section of chapter 194 of the code of 1860.

creation of a jury, be fined not less than One Hundred nor more than Five Thousand Dollars. It shall be the duty of all courts of justice, to require all grand and petit jurors, veniremen and special jurors, to take the oath set forth in the first section of this Act.

4. It shall be the duty of the clerks of the several county and corporation courts, to procure, at the expense of the several counties and corporations of the State, printed copies of the oath aforesaid, for the use of the Commissioners of the Revenue, and other persons authorized to administer the same, in their respective counties and corporations. It shall be the duty of said clerks, and other persons authorized to administer said oath, to require each person to whom the same may be administered, to subscribe a printed copy thereof, and shall further endorse thereon, the name, age occupation and residence of the person taking the said oath. When the person taking said oath shall be unable to write, his mark shall be attested by a witness, other than the officer administering the said oath. The said printed copies shall be filed with the clerk of the county or corporation, within fifteen days after the same shall have been so subscribed, to be by him preserved in his office. It shall further be the duty of the clerk, to record in a book, to be kept in his office, the name, residence, age and occupation of each person taking and subscribing the said oath, together with the name of the officer before whom, and the time when the same was so taken and subscribed. Any clerk or other person, failing to comply with the provisions of this section, shall be subject to a fine of not less than Fifty nor more than One Thousand Dollars.

If any person shall voluntarily take the oath set forth in the first section of this Act, before any court, military officer or any person authorized by existing laws to administer an oath; or if any person under arrest, whether by civil or military authority, shall, with the intent of effecting his release, or as a condition thereto, take and subscribe the said oath and shall thereafter be lawfully convicted of having violated the same, every such person shall be deemed guilty of

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a misdemeanor, and shall, at the discretion of the jury, be fined not less than One Hundred, nor more than Five Thousand Dollars, and be confined in the county jail not exceeding Twelve Months, and shall moreover, be subject to all the penalties mentioned in the Third Section of Chapter 194 of the Code of 1860.

6. Every person who shall practice any profession or conduct any business or calling, for which a license is now required by law, without having obtained a license therefor

Who shall be deemed a suspicious person.

or who shall continue in his office or employment, without having taken the said oath, according to the terms of this Act shall be deemed a suspicious person, within the intent and meaning of the sixth and seventh Sections of Chapter 17 of the Code of 1860, and the Ordinance of the Convention which assembled at Wheeling on the 11th day of June, 1861, entitled "An Ordinance to authorize the apprehending of suspicious persons in time of war," passed June 19th, 1861. The Governor may, at his discretion, upon affidavit

of the fact, cause every such person to be apprehended and secured, by warrant under the less seal of the Commonwealth, and held in custody until such person shall entre into a bond, in such penalty as shall be named in said warrant with one or more securities to be approved by the Justice of the Peace or Judge of a Circuit Court before whom

Upon affidavit may be apprehended and held until approved bond and securities be given.

said bond shall be acknowledged, conditioned that he shall keep the peace and be of good behavior for the space of twelve months thereafter, that he will not practice any profession or conduct any business or calling for which a license is required by law, or assume any office or employment mentioned in the third section of this Act without having first taken and subscribed the oath aforesaid, and that he will not in any manner directly or indirectly give aid or comfort to the so called Confederate States of America, or to the enemies of the United States of America. Such warrant may be directed to any Sheriff or other officer, civil

Condition of bond

or military, and shall be executed according to the terms thereof by such officer who shall have all the powers necessary for the purpose either in or out of his county or corporation. The bond mentioned in this section may be sealed

How warrant may be directed.

How executed.

Where bond to  
be returned.

and acknowledged before a Justice of the Peace or Judge of a Circuit Court, and returned with the warrant to the Secretary of the Commonwealth, to be by him filed in his office.

Aliens domiciled  
within this State  
subject to any  
foreign power at  
peace with the  
U.S. not required  
to take the oath.

7. Nothing in this Act contained, shall be so construed as to require the said oath set forth in the first section, to be taken or subscribed by an alien, subject to any foreign power at peace with the United States of America, domiciled within this State, who shall in all other respects comply with the license laws of this State. Nor shall anything in this Act contained be so construed as to require the said oath to be taken or subscribed by a citizen of another State of the United States, temporarily resident within this State, who shall in lieu thereof take and subscribe the following oath, I solemnly swear that I will support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land," and who shall, in all other respects comply with the license law of this State.

Form of oath to  
be taken by a  
citizen of another  
State temporarily  
resident in this  
State.

The Act entitled  
"An Act prescribing  
oaths in cer-  
tain cases, & pro-  
viding for the re-  
gistration of the  
same," passed  
Feb. 10, 1862, re-  
pealed.

Construction.

8. That the Act entitled "An Act prescribing oaths in certain cases, and providing for the registration of the same," passed February 10th 1862, shall be and the same is hereby repealed; but nothing in this section shall be so construed as to release any penalties incurred under the Act hereby repealed.

Commencement.

9. This Act shall be in force from its passage.

## CHAPTER 13.]

## AN ACT

to repeal the 9th, 10th, 11th and 18th Sections of Chapter 212 of the Code of Virginia.

Passed May 14, 1862.

1. Be it enacted by the General Assembly of Virginia,

That the 9th, 10th, 11th and 18th Sections of Chapter 212 of the Code of Virginia be, and the same are hereby repealed.  
Sections 9, 10, 11 and 18 of chapter 212 of the Code repealed.

2. This Act shall be in force from its passage.

Commencement.

CHAPTER 14.]

AN ACT

for the relief of the Banks of the Commonwealth.

Passed May 14, 1862.

1. Be it enacted by the General Assembly, That so much of all or any Acts as may subject any Bank incorporated by the laws of this Commonwealth, now in operation, to the forfeiture of its charter, or to any other penalty, for failing or refusing to redeem its notes or debts in specie shall be and the same are hereby suspended until the 1st day of January, 1864.  
Certain Acts suspended until the 1st of Jan. 1864.

2. And if any such Bank shall have forfeited its charter by failing or refusing to pay in specie any note or other debt due from such Bank, such forfeiture is hereby remitted and the charter of such Bank with all the rights and powers thereby conferred, shall remain in full force and effect, as if such failure or refusal had not occurred. Provided that nothing herein contained shall prevent the recovery of the amount of any note or debt due from such Bank, with interest thereon, at the rate of six per cent. per annum, by the ordinary process of law.  
Forfeiture remitted. Proviso.

3. This Act shall be in force from its passage.

Commencement.

## CHAPTER 15.] AN ACT

making an appropriation to the proposed State of West Virginia.

Passed May 14, 1862.

Appropriation to the new State of West Virginia.

1. Be it enacted by the General Assembly, That there shall be and is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to the State of West Virginia, when the same shall become one of the States of the Union, One Hundred Thousand Dollars.

What shall be the property of the proposed State of West Virginia.

2. Be it further enacted, That so much of the public revenue due the State of Virginia from the counties embraced within the boundary of the proposed State of West Virginia, including bank dividends and all money from any source whatsoever, due the State, as shall not have been paid into the Treasury of the State at the time of the admission of the proposed State of West Virginia, as one of the United States, shall be the property of the said State of West Virginia, and the several Sheriffs and other collectors of the public revenue, and all persons holding money due the State within the said boundary, shall pay the same into the Treasury of the State of West Virginia. All of the appropriation made by this Act, shall be charged to the State of West Virginia, in the settlement between the States of Virginia and West Virginia.

Sheriffs & collectors to pay into the treasury of said State of West Virginia.

Commencement.

3. This Act shall be in force from its passage.

## CHAPTER 16.] AN ACT

declaring the Ohio River and its banks a lawful fence, in the counties of Wood and Marshall.

Passed May 14, 1862.

1. Be it enacted by the General Assembly that the Ohio

River and its banks be, and is hereby declared a lawful fence, The Ohio river & its banks a lawful fence in counties Wood & Marshall in the counties of Wood and Marshall; excepting, always, Exceptions. such parts of the banks thereof as shall be used for highways.

2. This Act shall be in force from its passage.

Commencement.

CHAPTER 17.]

AN ACT

prescribing an oath in certain cases.

Passed May 15, 1862.

1. Be it enacted by the General Assembly of Virginia, Suitors and their agents and attorneys before instituting a suit, required to take the oath prescribed by the Convention which assembled in Wheeling June 11, 1861 That before any person or persons, or by their agents or attorneys residing within the Commonwealth of Virginia are entitled to sue out any civil process in any of the Courts of Record in this State, or before a Justice of the Peace, such person or persons shall first take and subscribe the oath prescribed by the Convention which assembled in Wheeling on the 11th day of June, 1861, to support the Constitution of the United States, and the re-organized Government of Virginia, and file the same in the Clerk's office of the County Court of the county wherein said person or persons proposes to sue out such process, or if before a Justice of the Peace, the oath so taken and subscribed may be filed before the same, and said Justice of the Peace shall file such oath taken and subscribed in the Clerk's office of said County Court, and when once taken and so filed shall be sufficient for the same parties in bringing other suits in the same Where said oath is to be filed. county. When oath once taken and filed sufficient for the parties in bringing other suits in same county.

2. This Act shall be in force from its passage.

Commencement.

## CHAPTER 18.]

## AN ACT

to amend and re-enact the Act passed February 8th, 1862,  
entitled "An Act to re-organize the Kanawha Board."

Passed May 15, 1862.

Board of Public  
Works annually  
to appoint five di-  
rectors for the  
Kanawha Board  
until individuals  
holding stock  
hold a meeting in  
the jurisdiction  
of this Assembly,  
to elect directors.

1. Be it enacted by the General Assembly of Virginia,  
That until the individuals holding stock in the Kanawha  
River improvement shall hold a meeting within the jurisdic-  
tion of this Assembly, for the election of Directors, the  
Board of Public Works shall annually appoint five Directors  
for the Kanawha Board, with power to sue and be sued, as  
a body politic and corporate, who shall have control and  
supervision of the Kanawha River and Road, according to  
the provisions of the Act providing more effectual means for  
the improvement of the Kanawha River, passed February  
15th, 1858, and an Act to amend the charter of the James-  
River and Kanawha Company, passed March 23d, 1860, so  
far as the same may be consistent with the provisions of  
this Act. The said Board of Directors shall hold their offices  
for one year, or until their successors are appointed, and  
shall have all the powers pertaining to the said Board, as  
fully as if they had been appointed according to the pro-  
visions of the said Act, passed February 15th, 1858.

Duty of Board of  
Public Works to  
appoint a collec-  
tor of tolls for  
each of the two  
collection dis-  
tricts on the Ka-  
nawha River.

Salaries how  
fixed.

Collectors to give  
bond & security.

Duties of Collec-  
tors.

2. The Board of Public Works shall appoint a Collector  
of Tolls for each of the two collection districts on the Kana-  
wha River, with salaries to be fixed by the Board aforesaid.  
That the said Collectors shall give bond and security to the  
Kanawha Board, in such sum, in each case, as the said Board  
shall prescribe, for the faithful performance of the duties of  
their respective offices, as well as to account for the tolls  
collected by them respectively. The said Collectors shall  
collect all tolls, which shall have accrued on the River in  
their respective districts prior to, and since the 24th of May,  
1861, to the time of their qualification, and for this purpose  
may require manifests of the subjects of toll, from the par-  
ties who may owe them, to be made out on oath; and may  
also require such manifests of all steam-boats, and other  
vessels navigating and carrying freight on the Kanawha

River: and the said Collectors shall make full report of all tolls collected, and from whom, and account quarterly to the Board aforesaid for all monies collected by them and pay the same promptly to the said Board or its order.

3. And the said Kanawha Board is hereby authorized and required to prosecute the improvement of the Kanawha River by contract, according to the provisions of the aforesaid Act, passed March 23d, 1860, or by appropriating the surplus tolls accruing on the River and Road, as they may deem most expedient; provided that nothing in this Act shall be so construed as to authorize the new Board to make any contracts binding on the Commonwealth for the payment of money or the issuing of bonds, to supply any deficiency, not heretofore issued under the provisions of the aforesaid Act, passed March 23d, 1860.

Duties of Kanawha Board.

Proviso.

4. And the said Kanawha Board shall also have full control over the Kanawha Road, and shall appoint a General Superintendent, who shall have supervision of both the Kanawha River and Road, whose duty it shall be to collect from the gate-keepers, quarterly, the nett proceeds of the tolls collected by said gate-keepers, and keep such road in repair by the use of said tolls, and pay over the residue to the said Board for the river improvement; also to take charge of and secure for the use of the Board, all the boats, tools and other property now on the river, which was procured by the late Kanawha Board, in and for the improvement of the Kanawha River and Road: and manage and superintend the improvement of the river, subject to the control of said Board, and shall make quarterly returns to said Board of his collections and disbursements, and shall receive for his services annually, a sum not exceeding Twelve Hundred Dollars.

Kanawha Board to have full control of Kanawha Road.  
To appoint a General Superintendent.  
Extent of authority.

5. The said Board shall, annually, make full report to the Board of Public Works, of all their Acts and doings pertaining to said road and river improvement.

Annual Reports.

6. All former laws, in conflict with the provisions of this Act, are hereby repealed.

All former laws in conflict with this Act repealed.

7 This Act shall be in force from its passage.

Commencement.



## CHAPTER 19.]

## AN ACT

changing the place of voting in the counties of Fairfax and Preston.

Passed May 15, 1862.

The election precinct at Drainsville, in the county of Fairfax, discontinued.

Lawful to open a poll at Borden's house.

1. Be it enacted by the General Assembly of Virginia, That the election precinct at Drainsville, in the county of Fairfax be discontinued, and that in lieu thereof, it shall be lawful to open a poll at the house of——Borden, at Springdale, in the said county of Fairfax, which shall hereafter be a regular place of voting in said county, in place of Drainsville.

Election precinct at Springdale, in the county of Preston, discontinued.

Lawful to open a poll at Robert Gordon's house, in said county.

2. Be it further enacted, that the election precinct held at the house of Jonathan Huddleson, at a place called Springdale, in the county of Preston, be discontinued, and that in lieu thereof, it shall be lawful to open a poll at the house of Robert Gordon, in the said county, which shall hereafter be a regular place of voting, in the county of Preston, in place of Jonathan Huddleson's, at Springdale.

Commencement.

3. This Act shall be in force from its passage.

## CHAPTER 20.]

## AN ACT

repealing the Seventeenth Section of Chapter Fifteen of the Code of 1860.

Passed May 15, 1862.

Section 17 of Chapter 15 of the Code repealed.

1. Be it enacted by the General Assembly, That the seventeenth section of chapter fifteen of the code of 1860, be and is hereby repealed.

Commencement.

2. This Act shall be in force from its passage.

# JOINT RESOLUTIONS.

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No. 1.—Resolution to elect Brigadier Generals for the Sixth, Twentieth and Twenty-First Brigades of Virginia Militia.

Passed May 8th, 1862.

*Resolved*, (With the consent of the House of Delegates,) That the General Assembly of Virginia will, on Friday, the 9th inst., by joint vote of both Houses, proceed to the election of Brigadier Generals for the 6th, 20th and 21st Brigades of Virginia Militia. The question being on concurring with the same, it was determined in the affirmative.

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No. 2.—Resolution authorizing and directing the Governor to appoint three Commissioners to report the true State and condition of the Branch of the Exchange Bank of Virginia, at Alexandria, and the Branch of the Farmers' Bank at Alexandria.

Passed May 8, 1862.

*Resolved* by the General Assembly of Virginia, That the Governor be and he is hereby authorized and directed to appoint three Commissioners, whose duty it shall be to inquire and report to him, the true state and condition of the Branch of the Exchange Bank of Virginia, at Alexandria, and the Branch of the Farmers' Bank at Alexandria.

No. 3.—Resolution requesting Auditor to report the amount of funds in the Treasury liable to be appropriated for school purposes.

Passed May 12, 1862.

*Resolved* by the General Assembly, That the Auditor of Public Accounts be requested to report against Tuesday next, to the General Assembly, the amount of funds in the Treasury liable to be appropriated for school purposes.

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No. 4.—Resolution to meet in the City of Richmond.

Passed May 12, 1862.

*Resolved* by the General Assembly of Virginia. That when this Legislature adjourn, it adjourn to meet in the City of Richmond, if the Governor think it safe and prudent, and that the general good of the State may be promoted thereby.

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No. 5.—Resolution amending the Ordinance passed June 19th, 1861, providing for the apprehension of suspicious persons.

Passed May 13, 1862.

*Resolved* by the General Assembly of Virginia, That an Ordinance passed June 19th, 1861, by the Convention, that assembled at the City of Wheeling, on the 11th day of June, 1861, providing for the apprehension of suspicious persons, be amended in the 7th section so as to read as follows: The powers vested in the Governor by this Ordinance shall be exercised only upon satisfactory evidence that an offense has been committed.

No. 6.—Resolution of thanks to the First Regiment of Virginia Infantry.

Passed May 13, 1862.

*Resolved* by the General Assembly of Virginia, That the thanks of the General Assembly, be tendered to the officers, non-commissioned officers and privates of the First Regiment Virginia Infantry, in the United States service, for their gallantry in the late battle of Winchester, and that the Executive of the State be requested to present Col. Jos. Thoburn a flag, to be the property of the Regiment, on which shall be inscribed "Winchester," as a testimonial of approbation from loyal Virginia.



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